

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, February 11, 2014**  
**8:08 p.m. – 10:04 p.m.**

**PRESENT:** Mayor Fellows; Councilmembers Kabir, Wojahn, Brennan, Dennis, Stulich, Day, Hew and Mitchell.

**ABSENT:** None.

**ALSO PRESENT:** Joe Nagro, City Manager; Janeen Miller, City Clerk; Bill Gardiner, Assistant City Manager; Suellen Ferguson, City Attorney; Steve Groh, Director of Finance; Catherine McGrath, Student Liaison.

Mayor Fellows opened the meeting at 8:08 p.m. following an earlier Public Hearing. Councilmember Brennan led the Pledge of Allegiance.

**Minutes:** A motion was made by Councilmember Mitchell and seconded by Councilmember Brennan to adopt the minutes of the Special Session on January 23, 2014 and the Regular Meeting on January 28, 2014. The motion passed 8 – 0 – 0.

**Announcements:**

Councilmember Mitchell announced that one of the components of the National League of Cities, the University Communities Committee, will be hosted by the University of Maryland on March 11.

Councilmember Dennis announced the Lakeland Civic Association will have their monthly meeting on Thursday at 7:00 p.m. at the College Park Community Center. The videotape of the Martin Luther King, Jr. tribute will be aired on the City's cable channel during the month of February. The children's artwork from that tribute is on display in the Council Chambers. Next year's MLK Tribute will be held on January 17, 2015.

Councilmember Wojahn announced the next meeting of the North College Park Citizens Association will be on Thursday at Davis Hall.

**Amendments to the Agenda:** Add 14-G-20, approval of a letter of support for HB 1057 to the Consent Agenda.

**City Manager's Report:** Mr. Nagro reminded everyone of the upcoming Presidents Day holiday.

**Student Liaison's Report:** Ms. McGrath thanked everyone for coming to the public hearing tonight; the student body is looking forward to future collaboration.

**Comments from the Audience on Non-Agenda Items:**

**Dave Dorsch, 4607 Calvert Road:** The City should set up an awards program to encourage and reward people who do exemplary work on their properties. Use the carrot rather than the stick.

**CONSENT AGENDA:** A motion was made by Councilmember Dennis and seconded by Councilmember Kabir to adopt the Consent Agenda, which consisted of the following:

- 14-G-15**      **Approval of a letter of support for a “Green Streets” application to the Chesapeake Bay Trust for the Hollywood Gateway Park and the 8800 Block of Rhode Island Avenue**
- 14-G-16**      **Approval of remaining FY ’14 Public School Education Grants as follows: 1) to Greenbelt Middle School in the amount of \$6,500 for College Awareness Project; 2) to Paint Branch Elementary School in the amount of \$6,000 for cultural opportunities for students/professional development**
- 14-G-17**      **Approval of an Agreement between the City of College Park and MobileNOW!, LLC, for 3 year exclusive license for “pay by cell” parking services, at no cost to the City**
- 14-G-20**      **Approval of a Letter of Support for HB 1057 – Prince George’s County – University of Maryland, College Park Bus Service – Motor Carrier Permit Exemption – Removal of Sunset (PG 403-14: Shuttle UM)**

**The motion carried 8-0-0.**

## **ACTION ITEMS**

- 13-CR-03**      **Adoption of 13-CR-03, A Charter Resolution Of The Mayor And Council Of The City Of College Park, Maryland, Amending Article III “Mayor And Council”, §C3-1, “Elected Officers Of The City” To Change The Minimum Age At The Time Of Taking Office After Election Or Appointment As The Mayor, Or As A Council Member, To Eighteen Years.**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Day to adopt 13-CR-03, A Charter Resolution Of The Mayor And Council Of The City Of College Park, Maryland, Amending Article III “Mayor And Council”, §C3-1, “Elected Officers Of The City” To Change The Minimum Age At The Time Of Taking Office After Election Or Appointment As The Mayor, Or As A Council Member, To Eighteen Years.**

Councilmember Wojahn said experience can be gained in many different ways. He discussed the story of Svante Myrick who became Mayor of Ithica, NY at age 24.

Mayor Fellows expressed his support for the proposed amendment and reviewed past student campaigns. He believes students should have the right to run.

**A motion to amend 13-CR-03 was made by Councilmember Kabir and seconded by Councilmember Mitchell to change the minimum age for Mayor to age 24 and for Councilmember to age 20.**

He discussed the various concerns expressed by the residents and believes this offers a compromise solution.

**Comments from the audience on this amendment:**

**Jack Robson, 4710 Harvard Road:** This is a good idea, but suggests this question be put to the voters on a referendum.

**Josh Ratner, 4230 Knox Road:** The proposed ages are arbitrary; people's rights shouldn't be put to a referendum.

**Christine Nagle:** Appreciates the compromise; this feels destabilizing to residents. This is not a civil right. Take more time before deciding.

**Peter King, 3413 Duke Street:** This is not an issue of right, it is an issue of qualifications to run for office. Minimum age requirements are fair, legal and constitutional.

**John Krouse, 9709 53<sup>rd</sup> Avenue:** This issue should go to the voters. He supports the amendment.

**Tim Miller, 5119 Niagara Place:** This is not about equal rights. Either vote for the amendment or vote the whole thing down.

**Dave Dorsch, 4607 Calvert Road:** Students are already represented on the Council through the Student Liaison. This should be sent to the voters to decide.

Ms. Ferguson discussed state law on binding referenda.

Ms. McGrath stated that she may be the student liaison but she could not run for Council because she is 20.

**Joan Almon, 7303 Dartmouth Avenue:** Supports the amendment; addresses concerns on both sides.

**Kathy Bryant, 7406 Columbia:** It is a good amendment but is not fair that something this important be decided by so few people; it should go to the voters.

Councilmember Brennan said the amendment is just a gesture, and defeats the intent of the original proposal. He wants to articulate the difference: this proposal gives a student the right to make their case before the voters, not the right to serve on the Council.

Councilmember Wojahn discussed the residency and registration requirements for candidates under the City Charter, and said that an opinion from the Office of the Attorney General offers that an increase in the residency requirement likely would not be constitutional. He appreciates the effort to make the compromise but will not support it. He would be willing to change the age of Mayor to 21.

Councilmember Stullich said this amendment is a compromise that would extend the opportunity to run for office to a broader range of people while acknowledging that age and experience do matter. Minimum qualifications are a reasonable thing for government to include in its charter.

Councilmember Mitchell supports this compromise. This is about representing the wishes of her district, not opposing students. Many of her residents are concerned about the unknown.

Councilmember Day said we have been disenfranchising most of our young adults by not allowing them to be part of a free and fair election. Running for office is a fundamental right everyone deserves. He won't support the amendment.

Ms. Ferguson clarified that Council can solicit the views of the public on the ballot, but that any result would not be binding.

Councilmember Hew supports this compromise amendment.

**Vote on the amendment:**

**Support: Kabir, Stullich, Hew, Mitchell**

**Oppose: Wojahn, Brennan, Dennis, Day**

**The vote was a 4-4 tie; Mayor Fellows voted "No" on the amendment; amendment fails.**

**Council comments on the main motion:**

Councilmember Dennis said he has struggled with this. His constituents have authorized him to represent them so he will support the amendment; he recognizes the risks but there are also things to be gained.

Councilmember Wojahn said he wouldn't recommend this if he thought it would be harmful. This will help forge a better relationship. A lot of great college towns don't have minimum age requirements above age 18.

Councilmember Day said this is an issue of fairness to the young people of College Park. It's up to the voters to decide who to put in office. There are 8 people on Council – one or two students won't change things.

Councilmember Stullich said there are some severe quality of life problems and everyone agrees that to make College Park a model college town we have to make things better. If we can't talk about what the problems are we can't work on them. The message to stop the bad behavior has to come from everyone, including the students.

Student Liaison Catherine McGrath said she does not always feel welcome in the community, or welcome to run for office, which was reflected in some of the comments she heard tonight. Students have just as much investment in the community as long as long term resident. Most students want the best for the city.

Councilmember Kabir said this was last discussed in October 2010. While he personally supports the proposal, he will vote against it because he can't ignore his constituents who are largely opposed.

Councilmember Wojahn said this is a representative democracy. Despite the vocal opposition he will support the proposal.

Councilmember Day said that students are fairly spread throughout the community – he was a member of the redistricting commission and they worked hard to balance the students in the community when drawing district lines.

Councilmember Stullich believes it's time to think about creating a 5<sup>th</sup> council district specifically designed to ensure a student representative on Council. Some long term residents fear they wouldn't have a long term representative representing them. As an olive branch and statement of her desire to find a way forward through the dissention that sometimes occurs between the students and long term community, she is going to vote in favor of the motion.

Councilmember Mitchell has heard from her constituents that are not comfortable with this proposal so she will not vote for this tonight. She will remember the comments she heard as we work through the Neighborhood Stabilization Committee on the issues that were raised.

**Vote on the main motion:**

**Support: Wojahn, Brennan, Dennis, Stullich, Day**

**Opposed: Kabir, Hew, Mitchell**

**The Charter Amendment passed 5 – 3 – 0.**

**14-G-18      Motion in Support of financing model #3 if College Park Academy chooses to move to the Al-Huda school site**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Kabir that the City of College Park approve the following financing model, designated “Model 3” by the College Park Academy (“the Academy”) if:**

- 1) The Academy Board chooses to relocate to the Al-Huda property, located at 5301 Edgewood Road, College Park, Maryland, and**
- 2) Financing is secured with annual debt service not to exceed \$500,000, subject to the following terms and conditions:**

- a. **The Academy would purchase the Al-Huda property and make necessary renovations.**
- b. **The University of Maryland or another lender would finance the purchase and renovations with a loan not to exceed \$10 million upon such terms as the parties shall negotiate.**
- c. **The City of College Park would guarantee the loan, but would require provisions in the loan that, in the event that the Academy closes or defaults on its loan prior to its maturity, the City would take title to the property, and the lender would defer debt service on the loan for a specified period of time to enable the City to sell the property and pay off the loan. Any accrued but unpaid interest would be added to the pay-off balance of the loan.**
- d. **Such other conditions as may be necessary to carry out the intents and purposes hereof and protect the City, to the extent possible, from additional liability.**

Councilmember Wojahn explained that the Board of Directors of the College Park Academy is reviewing options for the relocation of the Academy to a permanent home within the City. One of the properties under consideration is the Al-Huda site on Edgewood Road. Negotiations with the property owner are ongoing. The Academy will be investigating financing options with the University of Maryland and other lenders. At this point, the Academy Board is seeking input from the City on which of the various models under consideration for the Al-Huda site would be preferable to the City. In addition to the Al-Huda property, the Academy Board is considering another site owned by the University of Maryland. This motion does not express any preference for one site over another. This is a preliminary motion to express the City's preference for a particular financing model if the Academy board chooses the Al-Huda site and secures satisfactory financing. Further Council action will be required in order to authorize a memorandum of understanding or other agreement between the Academy, the City and the selected lender, outlining the duties and responsibilities of each.

**Comments from the Audience:**

**Senator Rosapepe, on behalf of the College Park Academy Board:** There is no expectation that the Council tonight will commit itself to a path or choice between the two sites, but this option is helpful to the Academy Board as they consider their choices.

**Councilmember Stullich offered an amendment to the motion.**

Councilmember Stullich said she understands that the intent is not to lock the City in to a commitment to this particular site, but rather to express a preference for this particular financing model, should this be the right site. To clarify this intent, she wants to amend the motion as follows:

**Delete the word "approve" and instead say, "express its preference for." In addition to the existing conditions, add a new condition as #2: "The City Council later approves this site selection and financing model after reviewing the relative merits of all sites under consideration."**

**The motion to amend was seconded by Councilmember Day.**

Councilmember Stulich said the decision about the long term location of the school is very important to the City and ultimately will rest with the Board of the College Park Academy. The Council's decision is about our financial commitment and risk. The fiscally prudent thing to do is have more complete information about both options before saying we approve this model.

The amended motion is as follows:

**I move that the City of College Park express its preference for the following financing model, designated "Model 3" by the College Park Academy ("the Academy"), if:**

- 1) The Academy chooses to relocate to the Al-Huda property, located at 5301 Edgewood Road, College Park, Maryland,**
- 2) The City Council later approves this site selection and financing model after reviewing the relative merits of all sites under consideration, and**
- 3) Financing is secured with annual debt service not to exceed \$500,000, subject to the following terms and conditions**
  - a. The Academy would purchase the Al-Huda property and make necessary renovations.**
  - b. The University of Maryland or another lender would finance the purchase and renovations with a loan not to exceed \$10 million upon such terms as the parties shall negotiate.**
  - c. The City of College Park would guarantee the loan, but would require provisions in the loan that, in the event that the Academy closes or defaults on its loan prior to its maturity, the City would take title to the property, and the lender would defer debt service on the loan for a specified period of time to enable the City to sell the property and pay off the loan. Any accrued but unpaid interest would be added to the pay-off balance of the loan.**
  - d. Such other conditions as may be necessary to carry out the intents and purposes hereof and protect the City, to the extent possible, from additional liability.**

There were no comments from the audience or the Council on the amendment.

**The amendment passed 8 – 0 – 0.**

There were no comments from the audience or from the Council on the main motion as amended.

**The amended motion passed 8 – 0 – 0.**

**14-R-03        Adoption of 14-R-03, A Resolution of the Mayor and Council of the City of College Park To Amend The Membership of the Neighborhood Stabilization Committee**

**A motion was made by Councilmember Stullich and seconded by Councilmember Wojahn to adopt 14-R-03, a Resolution of the Mayor and Council of the City of College Park to amend the membership of the Neighborhood Stabilization Committee.**

Councilmember Stullich said the original idea was to make this new committee smaller and more efficient than the Neighborhood Stabilization and Quality of Life Workgroup but many different groups were feeling left out of the process. This group has become an important venue so it is desirable to expand the membership so all the stakeholders are at the table. She described the proposed additions to the membership roster.

**Comments from the audience:**

**Joseph Ehrenkrantz, 4619 Fordham Road:** He appreciates Councilmember Stullich's comments about CHUM and the extension of good will and looks forward to working together.

**Carlo Colella, University of Maryland, Vice President of Finance and Administration:** He commends the work of the committee to this point and applauds this resolution to expand the membership to add participation by all parties.

**The motion passed 7 – 0 – 0 (Councilmember Hew was not at the dais).**

**14-G-19        Appointments to Boards and Committees**

**A motion was made by Councilmember Stullich and seconded by Councilmember Brennan to appoint Robert Thurston to the Ethics Commission, Bettina McCloud to the Recreation Board, Harriet McNamee to the Animal Welfare Committee, Dave Milligan to the Citizens Corps Council, Cindy Verasco to the Animal Welfare Committee, Patti Brothers to the Animal Welfare Committee, Larry Wenzel to the Noise Control Board, Alan Bradford to the Recreation Board, Adele Ellis to the Recreation Board, Lisa Miller to the Neighborhood Stabilization Committee, Richard Biffl to the Neighborhood Stabilization Committee, and to support the University's selection of Chief Mitchell and Dr. Andrea Goodwin to the Neighborhood Stabilization Committee. The motion passed 8 – 0 – 0.**

**WORKSESSION DISCUSSION:**

City Attorney Suellen Ferguson provided an overview: Mr. Horne is here on behalf of the developer, Metropolitan, who was before Council in December on their Detailed Site Plan. As a condition of the DSP, a 20-foot R-O-W was to be vacated and one-half would revert to the developer for a 10-foot landscape buffer. Upon further review the R-O-W is entirely on the other property, not on Metropolitan's property, so they cannot fulfill this request. The developer



is asking that the City grant a permanent easement to Metropolitan for installation and maintenance of the 10 foot landscape buffer.

Mr. Horne requested the Council agree to the easement so the client can fulfill the landscape buffer.

Councilmember Wojahn clarified that the end result would still be the same; it's just another way to accomplish it. Mr. Horne said the developer would maintain all 20 feet instead of just 10 feet.

**14-G-21      Approval of a motion to pursue a permanent easement to Metropolitan for a 10 foot landscape buffer**

**A motion was made by Councilmember Brennan and seconded by Councilmember Dennis to pursue the granting of a permanent easement to Metropolitan.**

There were no comments from the audience or from the Council.

**The motion passed 8 – 0 – 0.**

**COUNCIL COMMENTS:**

Councilmembers Wojahn and Kabir asked to place on a future Worksession the question of how the City could handle voter registrations if it were to allow non residents to vote in City elections.

**ADJOURN:**

**A motion was made by Councilmember Stulich and seconded by Councilmember Dennis to adjourn. With a vote of 8 – 0 – 0, Mayor Fellows adjourned the Regular Meeting at 10:04 p.m.**

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Janeen S. Miller, CMC  
City Clerk

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Date  
Approved